

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN JOHN COBB**, on March 5, 2003 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Mona Spaulding, Committee Secretary
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 353, 2/22/2003;
HB 194, 2/24/2003;
HB 532, 2/24/2003;
HB 601, 2/26/2003;
HJR 22, 2/24/2003

Executive Action: HB 353, Be Concurred In;
HB 194, Be Concurred In;
HB 601, Be Concurred In;
HJR 22, Be Concurred In

HEARING ON HB 353

Sponsor: REP. JEFF LASZLOFFY, HD 22, Laurel

Opening Statement by Sponsor:

REP. LASZLOFFY said that HB 353 designates Laurel as the site of the state firefighters Memorial (Exhibit 1). This is on behalf of all firefighters in Montana. The Governor dedicated the site and REP. LASZLOFFY presented a certificate signed by Governor Martz at that occasion (Exhibit 2). Congressman Denny Rehberg also supports the project (Exhibit 3). REP. LASZLOFFY explained that the project will be funded exclusively with private dollars. He said that the project and its location has the support of the Montana State Firefighters' Alliance and the State Firefighters' Association.

EXHIBIT(sts46a01)

EXHIBIT(sts46a02)

EXHIBIT(sts46a03)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.3}

Proponents' Testimony:

Jay Williamson, Laurel Volunteer Firefighter Department, said that this memorial will honor those firefighters who have served for 20 years or more, as well as those who have died in the line of duty. It is also to serve as a "thank you" for the families of the firefighters.

John Simple, Montana Firelines, added their support for HB 353.

Will Guenthner, Laurel Fire Department, said that highway signage would help to develop the city of Laurel as well.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. LASZLOFFY closed in HB 353.

{Tape: 1; Side: A; Approx. Time Counter: 2.3 - 5.5}

EXECUTIVE ACTION HB 353

Motion/Vote: SEN. SPRAGUE moved that HB 353 BE CONCURRED IN.
Motion carried unanimously by voice vote.

SEN. MCGEE will carry the bill on the Senate floor.

{Tape: 1; Side: A; Approx. Time Counter: 5.5 - 5.7}

HEARING ON HB 194

Sponsor: REP. DEBBY BARRETT, HD 34, Dillon

Opening Statement by Sponsor:

REP. BARRETT said that this bill will reorganize the business services bureau of the Secretary of State's Office. The bureau went through a program called Process Reengineering that resulted in recommendations for internal and statutory changes. She submitted her written testimony.

EXHIBIT(sts46a04)

{Tape: 1; Side: A; Approx. Time Counter: 5.7 - 7.8}

Proponents' Testimony:

Pat Haffey, Deputy for Business Services, Secretary of State's Office, explained that this bill is the result of 18 months' work.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. BARRETT closed on HB 194 and said that the changes were approved by the State Administration and Veterans' Affairs Interim Committee as well as the Secretary of State's Business Services Advisory Council.

{Tape: 1; Side: A; Approx. Time Counter: 7.8 - 9.5}

EXECUTIVE ACTION HB 194

Motion/Vote: SEN. SPRAGUE moved that HB 194 BE CONCURRED IN.
Motion carried unanimously by voice vote.

SEN. COBB will carry the bill on the Senate floor.

{Tape: 1; Side: A; Approx. Time Counter: 9.5 - 9.9}

HEARING ON HB 532

Sponsor: REP. RON STOKER, HD 59, Hamilton

Opening Statement by Sponsor:

REP. STOKER said that this is a housekeeping bill to revise the election of drainage district commissioners. The fiscal note is zero and the Secretary of State supports the bill as well.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Pat Murdo stated that this bill is similar to HB 563. She suggested that the two bills be addressed in this Committee at the same time. CHAIRMAN COBB stated that if HB 563 passes, this bill could be tabled. REP. STOKER agreed.

Closing by Sponsor:

REP. STOKER closed on HB 532.

{Tape: 1; Side: A; Approx. Time Counter: 9.9 - 13}

HEARING ON HB 305

Sponsor: REP. JIM PETERSON, HD 94

Opening Statement by Sponsor:

REP. PETERSON explained that the intent of this bill is to change the statutory definition of "current term" regarding term limits.

He said that if a person is appointed to fill a vacancy, that term will not count toward the term limits law. He stated that this is consistent with the Attorney General's opinion as well as how the situation has been handled in the past.

Proponents' Testimony:

Janis Doggett, Chief Legal Council, Secretary of State Bob Brown, said that they do support this bill.

{Tape: 1; Side: A; Approx. Time Counter: 13 - 16.1}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. SPRAGUE offered a situational example to ask a technical question about the bill. **Janis Doggett** said that there would be two components: a vacancy, and an election. She said that the term starts when one is actually elected. **SEN. SPRAGUE** and **Janis Doggett** continued to discuss the logistics of the bill.

SEN. GEBHARDT asked a question regarding the elections. **REP. PETERSON** responded. **Janis Doggett** added that the Attorney General ruled that a person's term doesn't start until the vacancy-filling portion is over.

SEN. SQUIRES asked about **SEN. COCCHIARELLA's** situation. **Janis Doggett** said that she would have to examine the situation.

{Tape: 1; Side: A; Approx. Time Counter: 16.1 - 24.5}

SEN. WHEAT questioned the need to deal with the situation if the Attorney General has already spoken. **Janice Doggett** stated that Greg Petesh doesn't agree with the Attorney General's opinion. This bill would clarify the situation by law.

SEN. WHEAT continued discussing the bill. **SEN. SPRAGUE** said that the problem with the bill is not its intent; he is worried about the unintended consequences.

SEN. SQUIRES said that this allows for four terms, not two. She expressed her opposition to the bill. **SEN. WHEAT** asked if the Attorney General's opinion was stated as a rule. **Janice Doggett** said that he clarified "current term" regarding a vacancy, but there is no clarity for prospective application.

SEN. WHEAT said that the concern is regarding the definition of "official's term." He said that the Senate's situation is different from the House.

{Tape: 1; Side: A; Approx. Time Counter: 24.5 - 30}

Janice Doggett stated that there is a way to define current term to exclude the term from the preceding vacancy. **CHAIRMAN COBB** asked Ms. Doggett to make that available for the Committee.

Closing by Sponsor:

REP. PETERSON closed on HB 305.

SEN. SPRAGUE will carry the bill on the Senate floor.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.9}

HEARING ON HB 601

Sponsor: **REP. RICK RIPLEY, HD 50, Wolf Creek**

Opening Statement by Sponsor:

REP. RIPLEY explained that HB 601 is a bill to require state ownership of Tower Rock in honor of the Lewis and Clark expedition. He said that the Department of Transportation has attempted to sell Tower Rock twice in the last three years.

{Tape: 1; Side: B; Approx. Time Counter: 1.9 - 4}

Proponents' Testimony:

Cheryl Hutchinson, area resident, said that she lives on Hardy Creek near Exit 247. She explained the geography and history of the area and presented pictures of the area for the Committee.

EXHIBIT (sts46a05)

{Tape: 1; Side: B; Approx. Time Counter: 4 - 8.5}

Arnie Olson, Director, Montana Historical Society, expressed support for the bill.

Dave Galt, Director, Department of Transportation, stated that he doesn't have any problem with this bill. He wanted to go on

record that there is an agricultural lease on this property; he would like that continued as long as that person would like.

Ronda Carpenter, representing Cascade County Commissioners, and Great Falls Area Chamber of Commerce, stated that they both support HB 601.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. WHEAT asked about the DOT's plans for the land. **Dave Galt** said that DOT has no need of Tower Rock for highway purposes. The DOT has run into financial hardship and has attempted to sell the property. He added that there had been previous plans to build a highway viewing site, but met with public opposition. For that reason, they decided to try and sell or trade the land.

SEN. GEBHARDT asked if the Tower Rock area is fenced off from the agricultural area. **Dave Galt** answered that he doesn't know.

SEN. GEBHARDT asked if there is a place for people to pull off the interstate to look at the area, should it be a historical site. **Dave Galt** responded.

SEN. SPRAGUE referred to the picture and asked about using the current freeway exit for viewing the site. **Dave Galt** said that it was their original intent, but the residents in the area were greatly opposed to that.

SEN. SPRAGUE offered that DOT would probably not want people climbing on the rock. **Dave Galt** said that his issue is with the interstate.

{Tape: 1; Side: B; Approx. Time Counter: 8.5 - 16.9}

SEN. SPRAGUE asked if the Historical Society had any plans for the area. **Arnie Olson** responded that the issue is timely, due to the bicentennial of Lewis and Clark. After that, the interest would diminish. **SEN. SPRAGUE** inquired about the Historical Society's support for developing that property. **Arnie Olson** said that they would be willing to help.

SEN. GEBHARDT asked what the opinion of the people is regarding the site. **Cheryl Hutchinson** explained the local opinion. She said that there is not total opposition; 40 people said yes, and

only 7 people said no. She continued explaining the options for an observation site.

{Tape: 1; Side: B; Approx. Time Counter: 16.7 - 25.7}

SEN. WHEAT asked if DOT has done any cost estimates for making the area accessible. **Dave Galt** said that the DOT had looked at the other side of the rock. He pointed out that they would have to figure out how to provide restrooms for that number of people.

SEN. SPRAGUE asked if DOT had contacted the Fish, Wildlife and Parks to work with them. **Dave Galt** responded that he had spoken with Dave Monger, but they couldn't agree on a plan. He added that there were bids on the land, so it does have a value.

{Tape: 1; Side: B; Approx. Time Counter: 23.7 - 28.3}

SEN. WHEAT wondered what the value was on the land. **Dave Galt** expounded, estimating a \$100,000 value.

CHAIRMAN COBB summarized that the bill is just constraining the DOT from selling the property. They could transfer it to the state, but it would stop any further bids. **REP. RIPLEY** agreed.

SEN. WHEAT asked if there were any proposals to further preserve the area for tourists. **REP. RIPLEY** stated that the purpose of the bill is simply to keep it in the ownership of the state. There is opportunity for expansion of the area, but that is not included in this bill.

Closing by Sponsor:

REP. RIPLEY closed on HB 601.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.5}

EXECUTIVE ACTION HB 601

Motion/Vote: **SEN. SPRAGUE** moved that HB 601 BE CONCURRED IN. Motion carried unanimously by voice vote.

SEN. SPRAGUE will carry the bill on the Senate floor.

{Tape: 2; Side: A; Approx. Time Counter: 4.5 - 5.3}

HEARING ON HJR 22

Sponsor: REP. RICK RIPLEY, HD 50, Wolf Creek

Opening Statement by Sponsor:

REP. RIPLEY stated that this bill is to urge the U.S. Board on Geographic Names to rename Halfbreed Rapids to Pine Island Rapids.

Proponents' Testimony:

Cheryl Hutchinson, area resident, expressed her support for HJR 22. She gave the history surrounding the rapids and the history of Lewis and Clark. She explained that Lewis and Clark referred to the rapids as Pine Island Rapids, not Halfbreed Rapids in their journal. The name Halfbreed Rapids began in the 1890s.

{Tape: 2; Side: A; Approx. Time Counter: 5.3 - 10.6}

Arnie Olson, Director, Montana Historical Society, stated that they support the name change as well.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. GEBHARDT had a question regarding a name change for Halfbreed Creek. REP. RIPLEY stated that it was not included in this resolution, but could be addressed later.

REP. RIPLEY explained that rapids were named July 17, 1805. Cheryl Hutchinson added that the name was included many times in the journals.

Closing by Sponsor:

REP. RIPLEY closed the hearing on HJR 22.

{Tape: 2; Side: A; Approx. Time Counter: 10.6 - 13.8}

EXECUTIVE ACTION HJR 22

Motion/Vote: SEN. SQUIRES moved that HJR 22 BE CONCURRED IN.
Motion carried unanimously by voice vote.

SEN. SPRAGUE will carry the bill on the Senate floor.

{Tape: 2; Side: A; Approx. Time Counter: 13.8 - 14.2}

HEARING ON HB 305, CONTINUED

Janice Doggett presented the language defining "current term" for the committee as requested earlier in the hearing.

EXHIBIT (sts46a06)

The Committee asked if Janice Doggett had conferred with Greg Petesh on the language. She said she hadn't had time to do that yet, but the Attorney General does support it.

The Committee then discussed the hearing schedule. **CHAIRMAN COBB** distributed a packet of the Board Nominees for the Committee to review (Exhibit 7) and the audit evidence of the Virginia and Nevada City Historic Site Management (Exhibit 8).

EXHIBIT (sts46a07)

EXHIBIT (sts46a08)

CHAIRMAN COBB closed the meeting.

{Tape: 2; Side: A; Approx. Time Counter: 14.2 - 25.7}

ADJOURNMENT

Adjournment: 4:25 P.M.

SEN. JOHN COBB, Chairman

REBECCA SATTLER, Transcriptionist

JC/RS

EXHIBIT (sts46aad)